UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,) CRIMINAL CASE NO. 08MJ8081-04
v.)
) **ORDER AND CONDITIONS OF PRETRIAL RELEASE: BAIL** (18 U.S.C. § 3142(c))
Fortino Avila-Canchola (4) Defendant.)

A hearing was held to determine pretrial conditions of release of the defendant pursuant to 18 U.S.C. § 3142. The Federal Judge determined an unconditional release pursuant to 18 U.S.C.§ 3142(b) is not sufficient to assure the appearance of the defendant and the safety of the community. Thus, conditions of pretrial release are necessary pursuant to 18 U.S.C.§ 3142(c). ***Good cause appearing,***

IT IS ORDERED that the defendant shall be released subject to the condition that the defendant: ***(a) not commit a federal, state or local crime during the period of release, (b) make all court appearances and (c) comply with the conditions itemized below, as indicated by (✓), in accordance with 18 U.S.C.§ 3142(c)(2):***

STANDARD CONDITIONS:

✓ 1. restrict travel to ❑ San Diego County, ☒ Southern District of California, ❑ Central District of California, ❑ State of California, ❑ United States, ☒ do not enter Mexico, ❑ other:______;

✓ 2. report for supervision to Pretrial Services Agency (PSA) as directed by the assigned PSO and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court;

✓ 3. not possess or use any narcotic drug or controlled substance, (defined in 21 U.S.C. § 802), without a lawful medical prescription;

✓ 4. not possess any firearm, dangerous weapon or destructive device during the pendency of the case;

✓ 5. read, or have explained, and acknowledge understanding of the Advice of Penalties and Sanctions Form;

✓ 6. provide a current residence address and phone number prior to release and keep it current while case pending.

ADDITIONAL CONDITIONS:

___ 7. be able to legally remain in the United States during pendency of the proceedings;

___ 8. submit to treatment, and/or testing, as specified by the PSO, for:
❑ drugs or alcohol, and/or ❑ psychiatric or psychological counseling;

___ 9. participate in a Global Positioning System (GPS) satellite monitoring program ❑ active ❑ passive, including, release of defendant to PSA custody; and ❑ residence restrictions and/or ❑ permissive travel for employment. Defendant and sureties are responsible for GPS equipment loss or damage.
❑ submit to supervision and custody of ______; and/or
❑ remain at a specified residence (curfew) between the hours of ____ P.M. and ____ A.M. daily;

___ 10. actively seek and maintain full-time employment, schooling, or combination of both;

✓ 11. execute a personal appearance bond in the amount of $ ______ secured by:
❑ a trust deed to the United States on real estate approved by a Federal Judge;
❑ the co-signatures of ______ financially responsible (related) adults;
❑ Nebbia Hearing ❑ Exam of Sureties ❑ other: ______

✓ 12. provide the court with: ☑ a cash bond and/or ☑ execute a bail bond by an approved solvent corporate surety in the amount of $ 20,000 that covers ALL conditions of release (not just appearances).

✓ 13. 18 U.S.C.§ 3142(d) hold until 2-12-08; if no detainer is lodged by then, these conditions take effect.

___ 14. clear all warrants/FTA's within ____ days of release.

___ 15. all conditions previously set will remain the same.

___ 16. other conditions: ______

FILED
JAN 29 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [signature] DEPUTY

DATED: 1-29-08

[signature]
Federal Judge

cc: Defendant/Counsel & U.S. Pretrial Services

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Form Crim-49b(Rev. 8/04)